

Republican State Convention.

A Republican State Convention will be held at the city of Madison, in the Assembly Hall, on Wednesday, the 31st day of August next, at 12 o'clock M., for the purpose of nominating candidates for State officers to be supported by the party at the ensuing general election; and also for the purpose of adopting such resolutions as may be deemed proper.

As the subject of selecting delegates to the next National Convention may be entertained and acted upon by the Convention, it is suggested that the people in their primary caucuses, and the district conventions, make such expression as will intimate to their delegates and the State Convention, the general sentiment of the state on that subject.

Each Assembly District will be entitled to two delegates in the convention.

It is recommended that district conventions for the selection of delegates be held throughout the state, on or before the 20th day of August, and that committees be appointed for that purpose; and it is especially urged that every district be duly represented in the convention.

W. C. TENNEY, W. P. LYNN, W. O. ROGERS, E. L. PHILLIPS, GREGOR HENNING, GEORGE GARY, WINFIELD SMITH, GEORGE S. GRAVES.

A Serious Charge.

Under this head the Milwaukee Sentinel notices the fact that the Washington correspondent of the Philadelphia Press, and other papers, are making serious charges against the Post-Master General, to the effect that while curtailing and discontinuing the mail service in the northern states, under the pretence of lessening the expenses of the department, scarce a mail route or post office has been modified with at the south. Considering that in the northern states the post office is not only self-sustaining, but really a source of profit, while the southern mail service is sustained almost entirely by drafts upon the treasury, one would suppose that the former was deserving of some show of favor, instead of being the sole victim of the enmities of the department.

What else could be expected? When the retrenching process was commenced by the post office department, the prediction was made that it would be precisely what is here charged. The black republican north, and especially the gin-house northwest, near St. Paul, Minn., this prediction has become a fact. The very object of putting a man from a slave state in charge of the post office department was to discriminate against the free states. The settled policy of the government would be disturbed, and the interests of the "democracy" would be subverted, if it were otherwise. Everything that does not wear the badge of slavery is tabooed at Washington. Every interest that does not directly tend to favor and strengthen the south is fettered and discouraged. Slavery is the alpha and omega of the protecting general of our national rulers. Postmaster General Holt is but one of the instruments used in the warfare upon the free states.

A HOAX.—The report which originated in a correspondent of the London Star, relative to the death of General Niel and Marshal Haraguy d'Allieres, at the battle of Solferino, turns out to be a hoax. Neither Niel or Haraguy were even wounded.

Low Price of Wheat.—Good standard wheat sold in Chicago on Thursday at 31 cents. A few days since corn sold in that market for 11 cents more a bushel than spring wheat. The wheat now coming to market in the west is of the last year's crop and generally of an inferior quality.

RAILROAD RIOT.—We see it stated that a strike occurred on the Pacific and Mississippi railroad, not in course of construction between Freeport and Davis—15 miles distant. The laborers receiving \$1.10 per diem, demanded \$1.25 and ten hours labor. Employers refused the conditions, and a serious row was the consequence. The sheriff of Stephenson county attempted to make arrests, but was roughly handled and beaten off. He called out the military and returned to the scene of action, arrested the leaders of the mob, and restored order, after which most of the laborers resumed work at the old rates. The whole disturbance was gotten up by a few men, and when they were removed peace and industry were restored.

Andrew E. Elmore, after a number of ballots has been re-elected chairman of the board of supervisors of Waukesha county, a place which he has held from a time whereof the memory of man untruth not tells to the contrary. The democrats voted against him generally and the republicans voted for him and elected him.—*Free Democrat.* We can guess one board of supervisors where the republican members will not save the "Sage of Mankato" from his political friends. That board is the one which assembled on the 24 Wednesday of January in the capitol at Madison, commonly called the state senate. Andrew may be all "sound" in Waukesha, but he has "departed" too far from the ways of republicanism to be trusted away from home.

Loves It.—We know of no one who loves with a more hearty love a day at the Buchanan administration than the political editor of the Madison Patriot. An opportunity to make a home thrust seems to do him more good than the best dinner. We have at different times copied some of his complimentary allusions to the "revere chief" of democracy, and have now another choice one to give our readers. Speaking of the Dred Scott decision, and the declared opinions of the different members of the court from which that decision emanated, the Patriot observes—"Judge Grier maintained with great ability the Pennsylvania view—profound silence."

When the quinquies of that sarcasm is beaten, we will make a note of it.

Chess Club.—The first meeting of the Chess Club was held Thursday evening, at which the following officers were elected: D. Olm, President, L. Hanks, Vice President, F. Barrow, Secretary and Treasurer. The next meeting of the Club will be held at the office of E. D. Talman, on Monday evening next. Some twenty members are already enrolled.

The Mortgage Law.

Mr. Editor:—In your paper of this morning we find the opinion of Judge Noggle, in which his honor gives his reasons for setting aside and vacating the judgment in the case of Samuel Williams against James M. Burgess and others. This opinion, we understand, is published for the purpose of informing attorneys in different parts of the circuit of the opinion entertained by the court on this perplexing question. There are some facts, and some points of law involved in the case, however, which we, as attorneys for the plaintiff in this action, consider of importance in order to understand the extent of this opinion, but which his Honor has omitted to notice.

With all respect to the honorable judge who has given this opinion, and without presuming to question its correctness in this article, we shall nevertheless take the liberty to state some facts in connection with the case, and some points which we urged on the argument, in order that the public, and especially our brothers at the bar, may understand more fully the extent and effect of this decision.

This action was commenced by the personal service of the summons and complaint on all the defendants on the 15th day of December, 1858. A short time afterwards all the defendants appeared in the case by attorneys. The six months to answer expired on the 15th day of June. On the 20th of June we obtained an order for judgment before Judge Orton while holding court at this place; whereupon two of the defendants asked the court by their counsel to vacate the judgment as to them, and assigned the following reasons, which are discussed at length in said opinion:

First.—The summons required the defendants to answer in twenty days instead of six months.

Second.—That at the time of the entry of said judgment there was no law then existing within this state authorizing the entry of said judgment or the proceedings in said action.

It will be seen that the first reason given for vacating the judgment is that the plaintiff did not comply with the law of 1858; and the second reason is that the law of 1858 had been repealed, and that therefore there was no such law in existence. This may be a good logic. The summons in this case, however, is strictly in accordance with the form prescribed by the legislature of the state. (R. S. sec. 2 and 3 chap. 121.) But it is unnecessary in this case to discuss whether the summons should read twenty days or six months, or what the decision of the supreme court is in relation to it, for here there was a general appearance by all the defendants, which of course waives any irregularity in the summons, unless there should be affidavits accompanying the order to show cause clearly proving that the appearance was improper and unauthorized.

The second reason given for vacating the judgment embraces two questions:

First.—Did the act of 1859 repeal the act of 1858 absolutely, or only so far as it might affect actions commenced after the 25th of March, 1859; or, in other words, so far as it may "contravene" the provisions of the act of 1859? Did it not simply introduce a new rule as to the length of time to answer as to foreclosure cases? Does it destroy the old rule in regard to the length of time to answer in actions which cannot in any manner be affected by the new rule? Was it necessary to attach a saving clause to the law of 1859, in order to continue proceedings in cases already commenced?

Judge Orton, who signed the order authorizing this judgment, and who, it is remembered, was in the legislature at the time the law of 1859 was passed, held that when the legislature fixed the time to answer, it was equivalent to an order of the court fixing the time, and that when the action had been commenced, the legislature could no more change the time as to that action than the court could change its own order without the consent of parties after they had acted in good faith on the strength of it.

He also held that a saving clause was unnecessary to continue proceedings had in actions commenced previous to the passage of the act of 1859, for the common law still continued the proceedings, unless expressly changed by statute.

It has long been laid down as a principle of law "that when the law is altered by statute pending an action, the law as it existed when the action was commenced, must decide the rights of the parties to the suit, unless the legislature express a clear intention to vary the relation of litigant parties to each other." (Palmer vs. Conly, 1 Denio, 370; the opinion of Broun in Sackett vs. Andrews, 5 Hill, 331.) The revised statutes of this state contain the authority of the common law in this particular—see 33, chap. 119.

It is true that "counselors learned in the law" frequently "approve or disapprove" a certain construction of a statute, "just as their professional interest seems to dictate," and we make no pretensions of being less the subjects of human frailties than the mass of our brother lawyers, but in this instance it would seem that the bar is not the only branch of the profession that is divided. We have been unable to find anything in the law of 1859 which warrants the construction that the law of 1858 was absolutely repealed thereby.

Secondly.—If the law of 1858 was absolutely repealed by the law of 1859; what is the effect of such repeal?

There are cases in the books in which courts have held that "where an act is penal and temporary by its terms or nature of it," or where it creates the right of action, the repeal of the statute creating such right of action, or fixing such penalty, "takes away all right of proceeding under the repealed statute even in regard to suits pending at the time of the repeal."

Butler agt. Palmer, 1 Hill, 331, 5 Cowen, 165, 5 Johnson, 165, 1 Kent Com. 465. But this is not one of that class of cases. Here the right of action was not created

by an act of the legislature, but by virtue of the note and mortgage upon which the action was brought. Should we admit therefore that the act of 1858 is absolutely repealed, yet it cannot affect this case, for this action did not grow out of a penal statute, nor did the mortgage law of 1858 create any right of action.

It has long been a rule of common law that "if a statute be repealed, and afterwards the repealing act be repealed, this revives the original act."

Wheeler agt. Roberts, 7 Cowen, 566; Commonwealth vs. Churchill, Metcalf, 119 Collins vs. Smith, 6 Wheaton, 191; 1 Kent Com. 516.

The law of 1859 only applied to cases commenced after its passage, as will appear by the 1st and 3rd sections of the act; and all actions commenced previously must be either governed by the law of 1858, or the law of 1856.

The law of 1858 gave the plaintiff no rights, and its repeal can take none away; it did however give the defendant six months time to answer the complaint, and it may be that its repeal takes away the right thus given, and leaves the defendant to answer in twenty days according to the general provisions of the law of 1856, which applied to all actions. This is our construction of the statutes of 1858, and 1859, in relation to the foreclosure of mortgages; and these are some of the points which we urged upon the attention of the court in opposing the motion to vacate the judgment. It may be that our positions are not sustained by the authorities. It may be that the citizens of Wisconsin have no rights except such as are at the will and disposal of the legislature of the state. The legislature may perhaps have the power and authority to send plaintiffs out of court, all over the state, by the simple repeal of a statute, and compel them to commence *de novo*, simply for the purpose of being again turned out of court by a second repeal, and this process may be repeated from year to year in the same action. And it may possibly be that all this is in accordance with sound principles of law, that no vested rights are affected by it, and it may be that the obligations of the original contract are not in the least impaired by such proceedings. Such a theory however would be in direct conflict with all our notions of law and justice.

The 12th section of the first article of our state constitution, which the people in their sovereign capacity erected as a bulwark against hasty legislation, has no meaning, if the remedies which parties are compelled to make use of in order to enforce the provisions of a simple contract, can all be swept away and parties driven out of court by a simple scratch of the pen whenever the legislature may desire. If this is a good law, the sooner it is declared to be such by the highest tribunal in the state, the better it will be for community generally.

Yours, &c., BENNETT, CASSIDAY & GIBBS, Jansville, July 21st, 1858.

THE SISTERS.

(Continued.)

While he was speaking I had drawn out my card case and pen, and on the back of one of my own cards had written "Miss Glendia Woods, Cottage, Woods Lane," and when he had finished speaking, presented the card and a guinea—the usual fee, I believe, of a morning visitor. He took them, and after placing it in his waistcoat, and then rising as I left my chair, he said: "I take this fee, Miss Rawlins." (Miss Rawlins: when he had just read as plain as the engraving could write, Miss Hall.) I receive him in testimony that he has understood my case; but I take no more. Whatever attendances or medicine Miss Glendia may require, I will see to myself, and rest assured I will spare no pains. Good morning, Miss Rawlins; and bowing me off, he closed the street door.

That very morning I wrote to my sister, requesting her to apprise Miss Glendia of the aurist's proposed visit, and, if possible, be at Woods Cottage herself the next afternoon; and my own card and written "Miss Glendia Woods, Cottage, Woods Lane," and when he had finished speaking, presented the card and a guinea—the usual fee, I believe, of a morning visitor. He took them, and after placing it in his waistcoat, and then rising as I left my chair, he said: "I take this fee, Miss Rawlins." (Miss Rawlins: when he had just read as plain as the engraving could write, Miss Hall.) I receive him in testimony that he has understood my case; but I take no more. Whatever attendances or medicine Miss Glendia may require, I will see to myself, and rest assured I will spare no pains. Good morning, Miss Rawlins; and bowing me off, he closed the street door.

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Well, time passed on. Mr. Morton answering somewhat dubiously my occasional inquiries, till I received a letter from my sister, which rather surprised me; it ran thus: "Dear Louisa, I have now ascertained positively whether Mr. Morton is married or not. I have asked Frederick to be sure, only, as he was, usually, and he thinks he is unmarried. But I want to know positively. He comes very frequently to the cottage—more frequently than I am sure a case like *hers* demands. It is a sad thing to be deaf; but it is a much sadder thing to have her heart blighted—though perhaps it is already too late. If Mr. Morton is married, he sees Amelia no more, except at his home."

I was thunderstruck, and yet not a little amused at the idea of a young girl having her heart blighted by an eccentric surgeon of more than twice her age. I determined, however, to run down at once to Beconfield—and see the aurist and Amelia myself. But it so happened on the next day when I went to the station, I discovered I had made a mistake. It was the arriving train I was in time for; the other would not arrive till two days later. As I stood on the platform, vexed at my stupidity, a well-dressed gentleman, whom, if I had not been addressed as "Miss Rawlins," I should never have recognized as Mr. Morton, he looked ten years younger than when I first saw him; his dress, too, was improved, and altogether he seemed to me a happy and quite a handsome man.

"Just come from Beconfield, Miss Rawlins," said he, taking my hand and pressing it warmly. "I wonder I did not see you before, but I suppose you must have been in and out of the carriage. All well at home?" "Quite well, sir; thank you," answered I rather distantly. "But how is Miss Glendia?" "Very well indeed—getting on nicely. But I see I am detaining you from your friends, as a group of strangers approached to where I was standing; and again pressing my hand, he bowed and hurried away. I was vexed, but as I had seen the doctor, what use was there in my waiting two hours to go to Beconfield? So, on the evening, as I was about to go to tea at home, I introduced the subject of my stupidity, and he, after alluding to Mr. Morton's skill, asked politely whether he was married.

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"Married!" repeated my mother, looking up in surprise. "No, Louisa, no. He is one of those old bachelors who would gudge himself a wife. Why, Anne lived there as housemaid, and she says he keeps his servants on board wages, and almost starves himself. I feel sure, if I were to see him, I should be glad to hear the doctor deprecated, 'What business Anne has to talk of those who employ her. It seems to me a kind and benevolent man.'"

"He may be so, Louisa, in his profession," remarked my father, looking up from his evening paper; "but depend upon it, he is not generally benevolent. Why, I once applied to him myself about the poor Poles, and he refused to subscribe one shilling; he never gave to public charities, he said—nor to private ones either, in my opinion."

We have no objection to letting mad dogs bite, if they "bite the dust."—*Milwaukee News.* Say all unwarmed dogs, and we are with you. Judge Hall, of the United States district court, now sitting at Albany, has decided that a drop letter cannot be considered as a letter to be conveyed by post, and has ordered a verdict of not guilty to be rendered in the case of William B. Hubbard, penny postmaster of Syracuse, who was indicted for opening letters in his custody as mail carrier.

The Concord company have contracted for the immediate construction of several large first-class steamers to take the place of those recently sold to the Spanish government.

All this was nearly conclusive, but I resolved to hazard another inquiry. The next morning, I went to a milliner, a friend of mine, who resided in the vicinity of Beconfield, and attending to her elegant novelties, and attending to a little affair of my own, I spoke of my young friend and Mr. Morton, and then smilingly asked whether she worked for Mrs. Morton.

"I work for Mrs. Morton and her family too," replied my friend; "but not the lady of the aurist, but of his brother, a respectable solicitor. In fact, the Mr. Morton you mean has no wife, and if he had, I should think the poor lady would scarcely employ me!—she would on small terms and shelling her shoulders—'for Mrs. Morton tells me she is terribly shy.'"

As this confirmed what I had previously heard, I felt satisfied, but, before replying to my sister, resolved to call on Mr. Morton myself. He was at home, and evidently very glad to see me; but when I said that my sister, Mrs. Rawlins, was very anxious to know what he could pronounce a decided opinion as regarded Miss Glendia, I remarked that he colored, and seemed rather embarrassed. He paused a moment.

"To tell you the truth, Miss Rawlins," said he hurriedly, "I should like to finish the cure at home." He hesitated. I looked at him, but knew not what to reply. I suppose I must have appeared much delighted, for there was no mistaking his meaning. His own countenance brightened, and he went on, with little circumstance, to say that he had conceived a great regard for Miss Glendia; that he was sure she would be one who would be kind to him, and that he was very desirous of making for his wife.

I could scarcely restrain my feelings at the idea of poor dear Amelia's good-fortune; however, I managed quietly to congratulate him on his choice, to speak in the highest terms of Miss Glendia's ladylike demeanor, and her amiability and affectionate disposition; "What then," I added, "you know she is poor and friendless, and a dependent sister?" "As to her sister," replied the aurist, "I like Rebecca almost as well as—Miss Glendia; and as to their being friends, between you and me, Miss Rawlins, I don't think that much of a loss; I should like to be troubled with a wife's tribe of relations." Again the word *wife*! But I preserved a calm countenance; and as he hesitated anew, I ventured to ask when the wedding was to take place. "For I suppose," I said, "Miss Glendia and you have already settled it."

"Why, no, Miss Rawlins; indeed, Amelia, has not settled anything; but I don't think she would object. I wanted to have spoken to you or Mrs. Rawlins: I think Mrs. Rawlins must be ill, for I have not seen her for some time; and, indeed, I did go to Mrs. Morton, my brother's wife, and requested her to visit Amelia, telling her that she was a daughter of the gentleman my brother had saved; and she said she would do so. I thought she would be kind enough to visit a mere acquaintance. That woman shall never cost my threshold again. Miss Glendia is a gentlewoman, and could not have used such language. Could not you and Mrs. Rawlins manage the affair? I will write to Amelia this afternoon, to prepare her, as to the time, although the essential part I consider settled already; and pray, Miss Rawlins, let the matter be arranged as soon as possible, so that I may be able to attend to business as usual. 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